

OCA FILE Leg

31 May 1988
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MEMORANDUM FOR: [REDACTED] ACIS
FROM: [REDACTED], Legislation Division
Office of Congressional Affairs
SUBJECT: Chemical and Biological Weapons

1. Attached for your information is a copy of provisions in the foreign aid authorization bill, H.R. 3100, which was recently passed by the House of Representatives. These provisions pertain to the use of chemical weapons in the Near East and the proliferation of chemical and biological weapons generally.

2. Should you have any questions, you may telephone me on

Attachments

OCA/LEG [REDACTED] (31 May 1988)

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continue in fiscal year 1989 and subsequent fiscal years.

SEC. 603. COOPERATIVE SCIENTIFIC AND TECHNOLOGICAL PROJECTS.

Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), not less than \$5,000,000 for each of the fiscal years 1988 and 1989 shall be available only for regional cooperative programs in the Middle East in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985.

SEC. 604. USE OF CERTAIN DEOBLIGATED FUNDS FOR PROJECTS IN THE MIDDLE EAST AND FOR ADDITIONAL ASSISTANCE FOR AMERICAN HOSPITALS ABROAD.

(a) **USES OF FUNDS.**—Funds made available pursuant to subsections (b) and (c) shall be used as follows:

(1) The first \$750,000 shall be transferred to and consolidated with the funds made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) and shall be used for scholarships for Israeli Arabs for study at institutions of higher education in the United States.

(2) The next \$2,000,000 shall be transferred to and consolidated with the funds made available to carry out section 214 of that Act (relating to American schools and hospitals abroad) and shall be used to provide assistance for hospitals outside the United States. The assistance provided pursuant to this paragraph shall be in addition to the level of assistance traditionally provided for hospitals under that section.

(3) The remaining amount shall be transferred to and consolidated with the funds made available to carry out chapter 4 of part II of that Act, with—

(A) half used for regional cooperative programs in the Middle East in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985, and

(B) half used for development projects on the West Bank and in Gaza.

(b) **PROTOTYPE DESALTING PLANT IN ISRAEL.**—Any unexpended amounts of the funds obligated to carry out section 219 of the Foreign Assistance Act of 1961, which are not needed to carry out that section, shall be deobligated and, to such extent as may be provided in advance in an appropriation Act, shall be used in accordance with subsection (a).

(c) **DEOBLIGATED ASSISTANCE FOR SYRIA.**—Amounts continued available for the necessary expenses arising from the termination of assistance programs for Syria pursuant to section 1004 of the Department of State Authorization Act, Fiscal Years 1984 and 1985, and pursuant to section 101(b)(1) of Public Law 98-151, which are not needed for such expenses, shall be deobligated and, to such extent as may be provided in advance in an appropriation Act, shall be used in accordance with subsection (a), notwithstanding the paragraph relating to the "SYRIA TERMINATION ACCOUNT" in section 101(j) of Public Law 90-190.

(d) **CONTINUED AVAILABILITY.**—To such extent as may be provided in advance in an appropriation Act, funds deobligated pursuant to subsection (b) or (c) shall continue to be available until expended in accordance with subsection (a).

SEC. 605. WEST BANK AND GAZA DEVELOPMENT INITIATIVE.

(a) **FINDINGS.**—The Congress finds that—

(1) the United States has shown its support for the West Bank and Gaza development initiative;

(2) United States assistance provided directly to the West Bank and Gaza, as well as

through Jordan, necessitate increased cooperation between the United States and the regional states involved; and

(3) other members of the Organization for Economic Cooperation and Development have professed their desire for peace in the Middle East and their concern for the inhabitants of the West Bank and Gaza.

(b) **STATEMENT OF POLICY.**—The United States—

(1) hereby reiterates its support for the West Bank and Gaza development initiative, and

(2) calls upon the other members of the Organization for Economic Cooperation and Development to contribute to West Bank and Gaza economic development either directly or through Jordan, as a demonstration by them of a tangible commitment toward peace and coexistence in the Middle East and toward the well-being of the inhabitants of the West Bank and Gaza.

(c) **REPORT TO CONGRESS.**—Not later than February 1, 1988, the Secretary of State shall report to the Congress on United States efforts to encourage other members of the Organization for Economic Cooperation and Development to contribute to West Bank and Gaza economic development, either directly or through Jordan.

(d) **FUNDS FOR UNITED STATES CONTRIBUTIONS.**—It is the sense of the Congress that a priority use of any funds—

(1) which are made available for fiscal year 1988 or fiscal year 1989 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) or chapter 4 of part II of that Act (relating to the economic support fund), and

(2) which are unobligated at the end of that fiscal year and would otherwise be returned to the Treasury, should be the furnishing of assistance to Jordan or United States private and voluntary organizations to support the West Bank and Gaza development initiative.

SEC. 606. FOREIGN MILITARY SALES FOR JORDAN.

(a) **MIDDLE EAST PEACE.**—The foreign military sales financing authorized by this Act for Jordan is provided in the recognition of progress Jordan has made in the search for a just and lasting peace in the Middle East, to encourage further progress, in recognition of the continuing defense needs of Jordan, and in the expectation that Jordan will enter into direct and meaningful negotiations with Israel based on United Nations Security Council Resolutions 242 and 338 in order to resolve the state of war between those two countries.

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that no foreign military sales financing authorized by this Act may be used to finance the procurement by Jordan of United States advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems, and no notification may be made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems, or other new advanced military weapons systems, unless Jordan is publicly committed to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

(c) **CERTIFICATION.**—Any notification made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems, or other new advanced military weapons, shall be accompanied by a Presidential certification of Jordan's public commitment to the recognition of Israel and to negotiate

promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

SEC. 607. UNITED STATES POLICY.

(a) **FINDINGS.**—The Congress finds that—

(1) there is evidence that chemical weapons have been used in the Iran-Iraq war;

(2) there are reports that Syria and Libya have the capability to engage in chemical warfare; and

(3) the existence of chemical weapons would pose a threat should wider war break out in the Middle East.

(b) **REPORT TO CONGRESS.**—Not later than February 1, 1988, the Secretary of State shall report to the Congress on the activities and capabilities of Iraq, Iran, Syria, and Libya with regard to chemical, biological, and radiological weapons, including their sources of supply for such weapons, the technology, equipment, and material each possesses, and the extent to which such weapons could affect the balance of power in the region. This report shall include a United States plan for addressing this problem.

SEC. 608. ASSISTANCE FOR GREECE.

(a) **FOREIGN MILITARY SALES CREDITS.**—Of the total amount of credits extended under section 23 of the Arms Export Control Act, not less than \$313,000,000 for fiscal year 1988 and not less than \$313,000,000 for fiscal year 1989 shall be available only for Greece.

(b) **GRANT MILITARY ASSISTANCE.**—Of the funds made available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961, not less than \$30,000,000 for fiscal year 1988 and not less than \$30,000,000 for fiscal year 1989 shall be available only for Greece.

SEC. 609. ASSISTANCE FOR TURKEY.

(a) **LEVEL OF ASSISTANCE.**—The aggregate amount of funds made available for assistance for Turkey under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) and under the Arms Export Control Act (relating to foreign military sales financing) may not exceed \$490,000,000 for fiscal year 1988 and may not exceed \$490,000,000 for fiscal year 1989, of which not more than \$350,000,000 for fiscal year 1988 and not more than \$350,000,000 for fiscal year 1989 may be assistance under chapter 2 of part II of the Foreign Assistance Act of 1961.

(b) **WITHDRAWAL OF TURKISH MILITARY FORCES FROM CYPRUS.**—It is the sense of the Congress that the President should ask the Government of Turkey to reduce substantially the number of its military personnel on Cyprus.

(c) **REPORT ON AMERICANS MISSING IN CYPRUS.**—The President shall request from the Government of Turkey a communication regarding its efforts to determine the status of United States citizens missing since the 1974 Cyprus conflict and previously resident in areas of the country now under Turkish Cypriot control. Before providing any assistance for Turkey described in subsection (a), the President shall submit a report with respect to any communication received from the Government of Turkey pursuant to this subsection to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(d) **REPORT ON EFFORTS TO RESETTLE FAMAGUSTA/VAROSHA.**—Before providing any assistance for Turkey described in subsection (a), the President shall submit a report, to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, on

Agricultural Act of 1949 (as amended) and the fiscal year 1950 through 1954. The commodities of agricultural products of eligible commodities of the Commodity Credit Corporation under an agreement with the Government of Poland that the Government of Poland will sell such commodities and that all the proceeds from such sales will be used by nongovernmental agencies for eligible activities in Poland described in section 416(b)(7)(D)(ii) of this Act that have been approved, upon application, by the United States chief of diplomatic mission in Poland, and by the joint commission described in section 1307 of this Act.

(b) **DEFINITIONS.**—For purposes of this section—

(1) the term "eligible commodities" has the same meaning as is given such term in section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 and, in addition, includes feed grains; and

(2) the term "nongovernmental agencies" includes nonprofit voluntary agencies, cooperatives, intergovernmental agencies such as the World Food Program, and other multilateral organizations.

SEC. 104. USE OF POLISH CURRENCIES.

(a) **USE OF POLISH CURRENCIES.**—Subject to subsection (b), nonconvertible Polish currencies (zlotys) held by the United States on the date of enactment of this Act pursuant to an agreement with the Government of Poland under the Agricultural Trade Development and Assistance Act of 1954 which are not assets of the Commodity Credit Corporation shall be made available, to the extent and in such amounts as are provided in advance in appropriation Acts, for eligible activities in Poland described in section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 (as amended by section 1306 of this Act) and approved, upon application, by the joint commission described in section 1307 and by the United States chief of diplomatic mission in Poland.

(b) **AVAILABILITY OF CURRENCIES.**—Currencies available under subsection (a) are currencies available after satisfaction of existing commitments to use such currencies for other purposes specified by law.

SEC. 105. ELIGIBLE ACTIVITIES.

Section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 is amended by adding at the end the following: "In addition, foreign currency proceeds generated in Poland may also be used by such agencies or cooperatives for eligible activities approved by the joint commission established pursuant to section 1307 of the American Aid to Poland Act of 1949 and by the United States chief of diplomatic mission in Poland that would improve the quality of life of the Polish people and would strengthen and support the activities of private, nongovernmental independent institutions in Poland. Activities eligible under the preceding sentence include—

"(I) any project undertaken in Poland under the auspices of the Charitable Commission of the Polish Catholic Episcopate for the benefit of handicapped or orphaned children;

"(II) any project for the reconstruction, renovation, or maintenance of the Research Center on Jewish History and Culture of the Jagiellonian University of Krakow, Poland, established for the study of events related to the Holocaust in Poland; and

"(III) any other project or activity which strengthens and supports private and independent sectors of the Polish economy, especially independent farming and agriculture."

(c) **COMMISSION.**—The joint commission created by section 1307 and in section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 (as amended by section 1306 of this Act) shall be established under an agreement between the United States Government, the Government of Poland, and nongovernmental agencies (as defined in section 1304) operating in Poland.

(d) **MEMBERSHIP.**—The joint commission shall be composed of—

(1) appropriate representatives of the Government of Poland;

(2) appropriate representatives of nongovernmental agencies which are parties to the agreement described in subsection (a); and

(3) representatives from the United States diplomatic mission in Poland, which may include a representative of the Foreign Agricultural Service.

SEC. 106. PROVISION OF MEDICAL SUPPLIES AND HOSPITAL EQUIPMENT TO POLAND.

In addition to amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for fiscal years 1968 and 1969, there are authorized to be appropriated to carry out that chapter for each such fiscal year, \$2,000,000, which shall be available only for providing medical supplies and hospital equipment to Poland through private and voluntary organizations, including for the expenses of purchasing, transporting, and distributing such supplies and equipment.

TITLE XIV. CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION

SEC. 1001. FINDING AND POLICY.

(a) **FINDING.**—The Congress finds and declares that the spread of chemical weapons and the capability to manufacture or otherwise acquire such weapons pose a grave threat to the security interest of the United States and to continued international progress toward world peace and development. Therefore, efforts should be undertaken to stop proliferation of chemical and biological weapons in an attempt to contribute to a complete ban of these weapons.

(b) **POLICY.**—It is the policy of the United States to—

(1) assure that the policy of the United States regarding all security assistance, including all military assistance and education and training programs, is consistent with this policy;

(2) obtain international agreement to prohibit chemical and biological weapons and prohibit their manufacture, possession, or use in the spirit of the Geneva Protocol of 1925 and the Biological Weapons Convention of 1972;

(3) assure that exports from the United States of materials, equipment, or technology having significance for production of chemicals are consistent with efforts to prevent proliferation of chemical and biological weapons;

(4) obtain assurances that exports from the United States of materials, equipment, or technology having direct significance for the production of chemical and biological weapons are used for peaceful purposes;

(5) cooperate with other nations to prevent the spread of materials, equipment, and technology with properties useful for the production of chemical and biological weapons;

(6) examine allegations that other countries are developing and proliferating chemical or biological weapons or materials, equipment, and technology for the production of such weapons;

(7) protect the health and safety of the public against threats from chemical or bio-

logical weapons.

(b) **CONSIDERATION OF POLICY.**—The Secretary of State shall, in consultation with the Secretary of Defense and other agencies, and in cooperation with agencies of the United States Government, to implement this policy.

SEC. 1002. PROLIFERATION PREVENTION.

(a) **IN GENERAL.**—The Secretary of State shall assess the risk of the proliferation of chemical or biological weapons, and shall recommend to the Congress legislation to control such proliferation. The assessment shall give particular attention to the technology of chemical or biological weapons and to the materials, equipment, and technology that have direct significance for the production and use of chemical or biological weapons.

(b) **PARTICULAR MATTERS TO BE CONSIDERED.**—The assessment shall consider the following:

(1) Any recommendation for legislation required to implement fully the policy of this title.

(2) Existing technologies for the production of chemical or biological weapons.

(3) Actual and potential suppliers of materials, equipment, and technology having significance for the production of chemical weapons.

(4) The effectiveness of present United States regulatory and other authority for control of exports of such materials, equipment, and technology.

(5) The projected effect of export controls on industry in the United States, considering the likelihood of obtaining the cooperation of foreign governments in limiting exports of materials, equipment, and technology with properties useful for the production of chemical and biological weapons.

(6) Any other matter the President determines to be relevant in carrying out the policy of this title.

(c) **CONSULTATION WITH OTHER AGENCIES.**—The assessment shall be carried out in consultation with the Secretary of Defense, the Secretary of Commerce, the Secretary of Health and Human Services, and the Director of the Arms Control and Disarmament Agency.

(d) **REPORT TO CONGRESS.**—Not later than six months after the date of the enactment of this title, the Secretary of State shall transmit to Congress a report setting forth the results of the assessment under this section.

SEC. 1003. ANNUAL REPORT ON PROLIFERATION.

(a) **IN GENERAL.**—The Secretary of State shall transmit to Congress a biannual report describing the status of—

(1) control of the proliferation of chemical and biological weapons;

(2) efforts to prevent the spread of such weapons; and

(3) programs to control the export of materials, equipment, and technology having direct significance for the production of chemical and biological weapons.

(b) **RECOMMENDATIONS.**—Each such report shall include any recommendation that the Secretary considers appropriate regarding additional authority needed to carry out the policy of this title.

(c) **TIME FOR FIRST REPORT.**—The first such report shall be submitted two years after the date of the enactment of this title.

SEC. 1004. CHEMICAL INDUSTRY ADVISORY GROUP.

The Secretary of State shall establish a Chemical Industry Advisory Group to provide advice to the Secretary with respect to sections 1402 and 1403. Members of the Group shall be appointed from business firms in the chemical industry.

TITLE XV—OTHER PROVISIONS

SEC. 1501. HUMAN RIGHTS ABUSES BY THE GOV. OF CUBA.

(a) FINDINGS.—The Congress finds that—
(1) the United Nations was established in 1945 for, among other purposes, the promotion and encouragement of respect for human rights and fundamental freedoms for all;

(2) the United Nations Human Rights Commission was established by the Economic and Social Council in 1946 to investigate and make recommendations concerning the violation of human rights and fundamental freedoms;

(3) the Government of Cuba has engaged in systematic and flagrant abuses of basic human rights and freedoms so offensive that they demand universal condemnation, including—

(A) the arbitrary arrest and prolonged imprisonment of individuals accused of political opposition to the Government of Cuba for engaging in such activities as the open or private expression of political opinions or religious beliefs, the attempt to form independent labor unions, the possession, reproduction, or intended distribution of religious or political literature, including the Universal Declaration of Human Rights, or even the professional representation by legal counsel of those so accused;

(B) the murder of political prisoners while in custody or the execution of individuals sentenced to death for political offenses;

(C) the reported systematic use of physical and psychological torture and the degrading and abusive treatment of political prisoners, especially the "plantados"—those who refuse out of conscience to participate in so-called political rehabilitation programs;

(D) the institutionalized use of a network of neighborhood informants organized by political "block committees", or so-called "Committees for the Defense of the Revolution", to repress the exercise of any freedom of expression and otherwise control the behavior of citizens through intimidation;

(E) the repression of the Independent Committee for Human Rights in Cuba for its attempt to register as a legal organization under the laws of the state, and the reported arrest, disappearance, or death of members of the Committee, and the continuing persecution of its president who has had to seek the safety of a foreign embassy out of fear for his life and continues to be deprived of the right to leave Cuba to be reunited with his family; and

(F) the expulsion from Cuba of foreign journalists for having attempted to interview Cuban citizens and report objectively on the human rights situation in that country; and

(4) the United Nations has consistently failed to address the violation of fundamental human rights and freedoms in Cuba.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United Nations and the United Nations Human Rights Commission have acted selectively and inconsistently in addressing violations of basic human rights in various countries;

(2) the United Nations General Assembly and the United Nations Human Rights Commission have failed to responsibly address the deplorable human rights situation in Cuba despite overwhelming evidence of the continuing disregard and systematic

(3) the following countries are to be commended for voting in favor of considering human rights violations in Cuba, particularly in light of the thinly veiled threats of the Cuban delegation: Austria, Australia, Belgium, Costa Rica, France, Gambia, Federal Republic of Germany, Iceland, Italy, Japan, Lesotho, Liberia, Norway, Philippines, Somalia, Togo, and the United Kingdom;

(4) the United States should strongly urge the member countries of the United Nations Human Rights Commission which are interested in democracy in the region, particularly Mexico, Spain, Peru, Venezuela, Argentina, and Colombia, to support the United States resolution on Cuban human rights at the next session of the Commission;

(5) the United States should take into account this vote in determining United States bilateral and other assistance to all member countries of the Commission;

(6) The United States should continue to emphasize how other countries vote on fundamental issues such as human rights when determining financial support for the United Nations, which includes the contribution to the Human Rights Commission; and

(7) the United Nations Human Rights Commission (which will hold its forty-fourth session in Geneva, Switzerland, in 1988) should include among the highest priorities of its human rights agenda consideration of human rights violations in Cuba.

SEC. 1502. CHILD LABOR RIGHTS.

(a) FINDINGS.—The Congress finds that—

(1) the international exploitation of child labor remains a serious problem, notwithstanding the adoption of the Declaration of the Rights of the Child and efforts by the United Nations, including a draft convention on the rights of the child and a seminar on ways of achieving the elimination of child labor in all parts of the world;

(2) at least 88,000,000 children, and perhaps as many as 200,000,000 children, between the ages of 11 and 15 currently serve in the world's workforce;

(3) child workers frequently labor under extremely hazardous conditions at virtually no pay and in excess of the hours allowed by law for adults;

(4) the use of child labor is growing in many developing countries;

(5) the exploitation of child labor does grave physical, mental, and moral harm to children and severely weakens the society's future capacity for economic growth;

(6) there exist recognized international child labor standards, including the minimum age for admission to employment, which are intended to assure the fullest physical and mental development of young persons;

(7) the United Nations is an appropriate forum for initiatives to focus international attention on child labor rights; and

(8) the annual reports prepared by the Department of State on individual country human rights practices can be used to call greater attention to the international exploitation of child labor.

(b) UNITED NATIONS MEASURES.—The United States delegation to the United Nations should recommend to the United Nations appropriate measures to call further international attention to the exploitation

TITLE XVI—CHILD LABOR

(a) FINDINGS.—The Secretary of State shall submit to the Congress an annual report of internationally recognized human rights. The Secretary shall include the results of those assessments in the annual reports on individual country human rights practices (submitted to the Congress by the Department of State pursuant to sections 1104(a) and 502B(b) of the Foreign Assistance Act of 1961). In making those assessments, the Secretary shall—

(1) use all available information about observance of and respect for internationally recognized child labor rights, including information made available by the International Labor Organization, trade unions, children's advocacy organizations, and human rights organizations; and

(2) describe which countries recognize and abide by internationally recognized child labor rights, including the domestic mechanisms for the enforcement and legal penalties for violations of such rights.

(d) DEFINITION.—For the purposes of subsection (c), the term "internationally recognized child labor rights" includes—

(1) the right of children to not be employed while they are below a minimum age;

(2) the right of children below the age of eighteen to not be employed at night or in occupations that jeopardize their health, safety, or morals;

(3) the right of children to be employed consistent with standards for minimum wages, hours of work, and occupational safety and health; and

(4) the right of children to be free from any form of forced or compulsory employment.

SEC. 1503. REPORT ON PROCESS OF INTERAGENCY REVIEW OF CERTAIN AGREEMENTS WITH CONTROLLED COUNTRIES.

(a) EVALUATION OF INTERAGENCY REVIEW PROCESS.—The Comptroller General shall evaluate and, not later than 1 year after the date of the enactment of this Act, shall submit to the Congress a report on the methods and procedures used in, and the effectiveness of, the current interagency arrangements to review agreements between controlled countries and United States Federal agencies which involve the exchange or transfer of militarily critical scientific or technological information.

(b) FACTORS TO BE CONSIDERED.—In carrying out subsection (a), the Comptroller General shall—

(1) evaluate the adequacy of, and the need to enhance, the current interagency review process, particularly with respect to timeliness, mechanisms to ensure appropriate consultation among interested parties, and procedures to assure consistency with current United States laws, policies, and procedures;

(2) review the adequacy of resources available to the Committee on Exchanges of the Technology Transfer Intelligence Committee and other interagency groups to conduct appropriate and timely technical assessments of proposed agreements;

(3) evaluate the policy implications of linking foreign access to United States facilities or individuals to reciprocal access to renowned foreign scientists identified by the United States, including those subject to discrimination on account of their political or religious beliefs;

(4) evaluate the need for, and the feasibility and usefulness of, a requirement that persons who visit controlled countries for purposes of scientific or technological exchanges provide upon their return from such countries, in cases where the visits are